

**Subpart E—Impact of the Proposed Dumping on Other Uses of the Ocean**

**§ 227.20 Basis for determination.**

(a) Based on current state of the art, consideration must be given to any possible long-range effects of even the most innocuous substances when dumped in the ocean on a continuing basis. Such a consideration is made in evaluating the relationship of each proposed disposal activity in relationship to its potential for long-range impact on other uses of the ocean.

(b) An evaluation will be made on an individual basis for each proposed dumping of material of the potential for effects on uses of the ocean for purposes other than material disposal. The factors to be considered in this evaluation include those stated in subpart D, but the evaluation of this subpart E will be based on the impact of the proposed dumping on specific uses of the ocean rather than on overall esthetic, recreational and economic values.

**§ 227.21 Uses considered.**

An appraisal will be made of the nature and extent of existing and potential uses of the disposal site itself and of any areas which might reasonably be expected to be affected by the proposed dumping, and a quantitative and qualitative evaluation made, where feasible, of the impact of the proposed dumping on each use. The uses considered shall include, but not be limited to:

- (a) Commercial fishing in open ocean areas;
- (b) Commercial fishing in coastal areas;
- (c) Commercial fishing in estuarine areas;
- (d) Recreational fishing in open ocean areas;
- (e) Recreational fishing in coastal areas;
- (f) Recreational fishing in estuarine areas;
- (g) Recreational use of shorelines and beaches;
- (h) Commercial navigation;
- (i) Recreational navigation;
- (j) Actual or anticipated exploitation of living marine resources;
- (k) Actual or anticipated exploitation of non-living resources, includ-

ing without limitation, sand and gravel places and other mineral deposits, oil and gas exploration and development and offshore marine terminal or other structure development; and

- (l) Scientific research and study.

**§ 227.22 Assessment of impact.**

The assessment of impact on other uses of the ocean will consider both temporary and long-range effects within the state of the art, but particular emphasis will be placed on any irreversible or irretrievable commitment of resources that would result from the proposed dumping.

**Subpart F—Special Requirements for Interim Permits Under Section 102 of the Act**

**§ 227.23 General requirement.**

Each interim permit issued under section 102 of the Act will include a requirement for the development and implementation, as soon as practicable, of a plan which requires, at the discretion of the Administrator or Regional Administrator, as the case may be, either:

- (a) Elimination of ocean disposal of the waste, or
- (b) Bringing the waste into compliance with all the criteria for acceptable ocean disposal.

**§ 227.24 Contents of environmental assessment.**

A plan developed pursuant to this subpart F must include an environmental assessment of the proposed action, including without limitation:

- (a) Description of the proposed action;
- (b) A thorough review of the actual need for dumping;
- (c) Environmental impact of the proposed action;
- (d) Adverse impacts which cannot be avoided should the proposal be implemented;
- (e) Alternatives to the proposed action;
- (f) Relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity;
- (g) Irreversible and irretrievable commitments of resources which would